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San Diego
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October 7, 2016

Hon. Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Plaintiff's Motion for Extension of Time for Service of the Lawsuit
Civil Action No. 1:16-cv-03869-KAM-RML
Lofty Coffee, Inc. v. Stand Coffee LLC, et al.

Dear Judge Matsumoto:

Plaintiff Lofty Coffee, Inc. ("Lofty") hereby respectfully moves this Court, pursuant to Local Civil Rule 7.1(d), and Federal Rule of Civil Procedure 4(m), to enter an Order granting Lofty a 30-day extension of time to serve the Defendants with the above-captioned lawsuit ("the Lawsuit"). The following is provided in support of this request:

1. This is an action for alleged trademark infringement. The Complaint was filed on July 12, 2016. The Service deadline is Tuesday, October 11, 2016 (due to the Columbus Day Holiday on October 10, 2016). This action is related to another pending action in this Court, *Lofted Coffee LLC v. Lofty Coffee Inc.*, 1:16-cv-02146.
2. Plaintiff Lofted Coffee, in the related pending action *Lofted Coffee LLC v. Lofty Coffee Inc.*, 1:16-cv-02146, has filed a letter request in that case seeking leave to file a motion to dismiss. The decision on that request, *which has not yet been issued*, and any subsequent motion to dismiss, will have an impact on this case.
3. At least three of the named defendants in the present case have already settled and offers of settlement have recently been extended to the remaining defendants.

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4. Lofty has contacted the remaining defendants, requesting agreements to waive service, but has not yet received responses pertaining to the offered waivers.

Since additional time will allow settlement to be explored further, provide adequate time for the remaining defendants to consider waiving service, and give more time for the Court in the related case to act upon Plaintiff Lofted's requested motion, Lofty believes it has shown good cause for a 30-day extension of time to serve the Lawsuit. This request is made in the interest of justice and not for the purpose of delay.

WHEREFORE, Lofty requests that this Court enter an Order granting Lofty an extension of thirty (30) days to serve the Lawsuit on the remaining defendants.

Sincerely,

s/Michael G. Sullivan
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MGS/slw